

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1402 of 2015

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1. Rajesh Mani Tiwari Son of Sri Shyamji Mani Tiwari Resident of Shastri Nagar, Ward No . 7, Betia, P.S. - Betia, District- West Champaran, Bihar
 2. Amrendra Kumar Mishra Son of Late Ramji Mishra Resident of Raidhurva, P.O- Betia, P.S- Betia, District- West Champaran, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director , Social Welfare Department, Government of Bihar, Patna.
3. The District Magistrate, West Champaran at Bettiah.
4. The Deputy Director, District Social Security Shell-cum-District Children Protection Unit , West Champaran, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Upadhyay, Advocate
For the Respondent/s : Mr. S.S.P Yadav, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 01-05-2018

Heard learned counsel for the petitioners and the respondent State.

2. Appointment of the petitioners as members of the Child Welfare Committee by the authorities exercising jurisdiction under Section 29 of the Juvenile Justice (Care and Protection of Children) Act, 2000 and read with Rule 24 of the Bihar Juvenile (Care and Protection of Children) Rules, 2003 under order dated 24.10.2008 is admitted as it appears from the pleadings on record. In the course of earlier proceedings arising out of C.W.J.C. No. 12055 of 2012 and the proceedings in MJC No. 478 of 2013, the claim of the petitioners with respect to the monthly honorarium at the rate of Rs. 2000/- per month



has also been paid to the petitioners for their services rendered as members of the Child Welfare Committee for the period 2008 to 2011 (total period of 35 months and eight days). This fact is also evident from the show cause filed by the opposite parties in MJC No. 478 of 2013 which is Annexure 7 to the writ petition.

3. The relief in the instant writ petition is therefore, confined only to the claim of the petitioners' with respect to the amount of Rs. 500/- per sitting of the committee.

4. The claim is being resisted by the respondent State merely by assigning the reasons that the decision to grant the amount of Rs. 500/- per sitting subject to maximum of 12 sittings per month has been taken under letter dated 07.05.2012 bearing no. 995 Annexure 7/1 of the writ petition. Since the petitioners' tenure has lapsed prior to the said period, the claim is not being paid to the petitioner.

5. Counsel for the petitioners has drawn attention of the Court towards the provisions contained in the Juvenile Justice (Care and Protection of Children) Rules, 2007 and more specifically Rule 23 thereof. The same prescribes as follows :

“23. Sitting and conveyance allowances.- The Chairperson and Members of the Committee shall be paid such travel and sitting allowance, as the State Government may determine, but it shall not be less than rupees five hundred per sitting per member.”



6. Since the petitioners are entitled to the sitting allowance at the rate of at least Rs. 500/- per sitting in terms of the 2007 Rules, the fact that the decision of the authorities has been taken on 07.05.2012 cannot be made the basis of denying the petitioners their legitimate claim arising out of the 2007 Rules.

7. In view of the provisions of the Rules, the petitioners' entitlement has to be worked out with reference to the number of sittings which have actually taken place subject to maximum of 12 sittings per month in light of the subsequent decision of the State Government dated 07.05.2017.

8. Let the petitioners file their representation substantiating their claim with reference to number of sittings in which they have participated. If such claim is filed along with copy of this order, the respondent would be obliged to verify and pay the admissible dues to the petitioners within a period of three months from the date of receipt/production of a copy of this order.

9. The writ petition is disposed off with the aforesaid terms.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

